

## **REMARKS/ARGUMENTS**

### **I. The Claims Are Definite**

The Examiner rejected all pending claims (claims 3, 4, 6-11, 14, 43, 44, and 46-58) as indefinite because it is not clear from the claims “how viewing the color of the connected blocks determines whether the indicia appear together to form an intelligible reading unit.”

The independent claims (claims 43, 47, 49, and 55) state that “all blocks of the same color have the same type of reading indicia and each type of reading indicia has a unique color assigned thereto.” This results in the ability of the teacher to view the colors of the blocks to see if the blocks are arranged in such a manner that an intelligible reading unit appears to have been formed.

If the user were instructed to sound out the first letter of a particular article shown on a picture block and connect a consonant-bearing block with a picture-bearing block displaying the specified article, the teacher could judge from the colors of the blocks whether a consonant had been matched with a picture block, whether the blocks were assembled in the correct order, and whether an intelligible reading unit (in this case, an initial consonant and picture block) appeared to have been formed. Thus, if, as suggested in the application at page 9, the consonant blocks are dark blue and the consonant picture blocks are light blue, then the teacher could see whether a dark blue block had been connected to a light blue block.

Likewise, if the user were instructed to form a short vowel word with two blocks, the teacher could determine if an initial consonant block were properly assembled with a rime block by looking at the color and order of the blocks as described, for example, in the specification at

pages 15-17. And, if the student were learning about how to use the “magic” *e* to make a short vowel word turn into a long vowel word, the teacher could see if the block bearing the color assigned to the “magic” *e* reading indicium were at the end of the assembled series of blocks. *E.g.*, see Example 9 (Specification at 20).

And, if the user were asked to form a sentence, the teacher would look at the colors of the blocks to determine if the blocks are arranged in such a way that a noun-colored block precedes a verb-colored block and that the series of blocks concludes with a punctuation-colored block.

Because meaning cannot be determined based on color alone, a final determination of whether an intelligible reading unit had, in fact, been formed requires that the assembled blocks be read by a person with knowledge of the language.

## II. The Information Disclosure Statements

Applicant thanks the Examiner for indicating in a June 16, 2004 teleconference that she will indicate by signing the IDSs that she has considered the IDSs submitted by Applicant on December 1, 2003.

## III. Double Patenting

Applicant will submit a terminal disclaimer to obviate the non-statutory double patenting rejection upon receipt of a Notice of Allowance.

## IV. The Prior Art of Record

Applicant has reviewed the prior art of record listed but not applied by the Examiner and confirms that it does not teach or suggest the claimed invention.

Application Serial No.: 10/724,965  
Response Dated: October 1, 2004  
Reply to Office Action Dated: June 1, 2004

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lisa C. Childs", is written over a horizontal line.

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